Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 1243
Bill #: SB 119
Document ID #: 3222
Bill Subject/Title: AN ACT relating to sex offenses.
Sponsor: Senator Matthew Deneen
Unit of Government: X City X County Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Local Jails and Law Enforcement
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 119 amends KRS 403.720 and 510.010 to modify the definitions of some key terms relating to sex offenses. **Section 1** adds a definition of "sexual assault" to KRS 403.715, defining it as any conduct prohibited by KRS Chapter 510 or KRS 530.020 relating to rape, sodomy, sexual abuse, or incest. "Sexual abuse" is substituted for "sexual assault" in the definition of "Domestic violence and abuse" in the same section, clarifying further what is constituted by the offense. **Section 2** of the bill changes the definition of "sexual contact" in KRS 510.010 to include any intentional touching of the clothing covering the immediate area of the victim's intimate parts if that touching can be reasonably construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for the purpose of exacting revenge, humiliating or degrading the victim, or punishing the victim. This could be construed as lowering the threshold of what constitutes sexual contact in the context of determining the commission of a sexual offense, as it explicitly includes the touching of the clothing surrounding the victim's intimate parts in addition to the touching of their intimate parts.

The fiscal impact of SB 119 is expected to be minimal. Though the bill somewhat lowers the threshold for what could be considered a sexual offense if that offense involves sexual contact, the revision is relatively small and likely would only have a marginal impact on the number of additional offenses that would qualify under KRS Chapter 510 because the "intentional touching of the clothing covering the immediate area of the [victim's parts]" done for a "sexual purpose" would likely already be construed as sexual contact even under current statute. This bill mostly just clarifies and makes explicit for law enforcement investigating sexual offenses.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II refers to SB 119 as introduced.

Data Source(s): LRC Staff

Preparer: Ryan Brown (WB) **Reviewer:** KHC **Date:** 2/22/23